

1 GOODIN, MACBRIDE, SQUERI, RITCHIE & DAY, LLP
2 ROBERT A. GOODIN, State Bar No. 061302
3 FRANCINE T. RADFORD, State Bar No. 168269
4 505 Sansome Street, Suite 900
San Francisco, California 94111
Telephone: (415) 392-7900
Facsimile: (415) 398-4321

PILLSBURY WINTHROP SHAW PITTMAN LLP
THOMAS V. LORAN III, State Bar No. 95255
JOANNE H. KIM, State Bar No. 221525
50 Fremont Street
Post Office Box 7880
San Francisco, CA 94120-7880
Telephone: (415) 983-1000
Facsimile: (415) 983-1200

11 Attorneys for Amicus Curiae Common Sense Media

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

**VIDEO SOFTWARE DEALERS and
ENTERTAINMENT SOFTWARE
ASSOCIATION,**

No. C 05 4188 RMW RS

DECLARATION OF JAY SENTER

Date: May 12, 2006

Time: 9:00 a.m.

Courtroom: 6

Before the Honorable Ronald M. Whyte

20 ARNOLD SCHWARZENEGGER, in his
21 official capacity as Governor of the State of
22 California; BILL LOCKYER, in his official
23 capacity as Attorney General of the State of
24 California; GEORGE KENNEDY, in his
25 official capacity as Santa Clara County
District Attorney; RICHARD DOYLE, in his
official capacity as City Attorney for the City
of San Jose, and ANN MILLER RAVEL, in
her official capacity as County Counsel for
the County of Santa Clara.

Defendants.

Case No. C 05 4188 RMW RS

DECLARATION OF JAY SENTER

1 1. I am currently employed as a communications associate for Common
 2 Sense Media. I have held this position since October 2005. I have personal knowledge of the facts
 3 stated in this declaration and could and would testify competently thereon if called to do so.

4 2. Common Sense Media is based out of San Francisco, California. The
 5 organization reviews hundreds of media titles each year in an effort to provide parents and
 6 children with additional information about the kind of content in the latest movies, video games,
 7 and so forth.

8 3. A DVD containing a montage of footage from several current video games
 9 is attached as Exhibit A to this declaration. The montage features footage from the following
 10 games: *Postal 2: Share the Pain* being played on an Apple Macintosh G5 Computer; and *Grand*
 11 *Theft Auto: San Andreas*, *25 to Life*, *NARC*, *Manhunt*, and *50 Cent: Bulletproof* all being played
 12 on a PlayStation 2 console. Footage from the “Hot Coffee” scene in *Grand Theft Auto: San*
 13 *Andreas* was downloaded off the Internet, and not recorded directly from game play.

14 4. These games were procured by the following means: *Grand Theft Auto:*
 15 *San Andreas* was purchased by a Common Sense Media staff member in October 2004 at a
 16 GameStop retail location in San Francisco; *Postal 2: Share the Pain* was purchased by a Common
 17 Sense Media staff member in December 2005 via the Internet; *25 to Life*, *NARC* and *50 Cent:*
 18 *Bulletproof* were rented from a Blockbuster Video retail location in San Francisco in March and
 19 April 2006. *Manhunt* was rented using a Common Sense Media account with GameFly.

20 5. After reviewing each game, I selected excerpts that featured: violence
 21 against women, violence against law enforcement officers, extreme violence and mass killings. I
 22 also included the sexually explicit “Hot Coffee” scene from *Grand Theft Auto: San Andreas*.

23 6. To capture the footage from each game, I used video capturing hardware
 24 and software on a Macintosh G5 computer. I then imported the video captured from the games
 25 and used editing software to produce the attached exhibit.

26 ///

27 ///

28 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

7.

1 I certify that Exhibit A is a true and accurate copy of the excerpts described herein.

2 I declare under penalty of perjury under the laws of the State of California that the
3 foregoing is true and correct. Executed on April ___, 2006 at _____, California.

4
5
6 Jay Senter
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

3234/001/X77059.v1